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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF CORRECTIONS
LANSING

HEIDI E. WASHINGTON
DIRECTOR

February 8, 2017

Honorable Members of the House Michigan Competitiveness Committee,

The Michigan Department of Corrections applauds the Legislature's continued work on safe and smart reforms to the criminal justice system. Over the past two years, the Department's focus on "Offender Success", which has been supported by the Legislature via efforts such as the expansion of the vocational village, has helped safely reduce the prison population by over 2,200 offenders (5% of the total population). As the public discussion returns to statutory reforms intended to further improve the criminal justice system, the Department of Corrections believes it is important that stakeholders and policymakers work collaboratively to ensure that these reforms are appropriate for Michigan and are properly designed to allow for successful implementation.

In support of that goal, the Michigan Department of Corrections respectfully offers the following suggestions related to the bills in this package:

Senate Bills 5, 6, and 7 – The MDOC recognizes the importance of having additional measures to accurately gauge the impact of recidivism on different parts of the criminal justice system (police, courts, MDOC), but has technical concerns about the proposed definition not sufficiently establishing the 3 separate measures suggested by the CJPC and issues related to the definition of technical violations. Further, the MDOC believes it is important that the Legislature consider the impact of this definition on existing programs, such as Community Corrections, as the data does not currently exist to fully measure recidivism as defined in these bills.

Senate Bill 8 – The MDOC strongly agrees with the use of evidence-based practices throughout the criminal justice system, but questions why district court probation, which is one of the first points of contact with the criminal justice system for many offenders, is specifically excluded from complying with the bill. In addition, this bill is based on model legislation that has not been updated to reflect Michigan's criminal justice system. As a result, there is terminology such as "postrelease supervision" that is likely to cause confusion in the future. The bill also allows offenders to select programming, even though doing so may be difficult due to geography and may significantly increase state costs.

Senate Bill 9 – The MDOC is currently reforming its volunteer policy to reflect the intended goal of this legislation. The MDOC would ask that any legislation dealing with admittance to MDOC facilities not be drafted in a way that directs that the department "shall allow" entrance to avoid potential litigation for the State. This legislation is also limited to inmate reentry services, even though there are other important volunteer activities. The MDOC would recommend simplified legislation calling for the adoption of policies intended to promote volunteer opportunities within the prisons, while maintaining control over admittance to all MDOC facilities.

Senate Bill 10 – The MDOC may have difficulty complying with the parole board reporting requirements created by this bill prior to a new data system being adopted. The Administration and Legislature agreed to improved parole board reporting as part of the current year's budget and the MDOC has reformatted its data

systems to produce this report. The MDOC would ask that this bill be amended to reflect the newly established boilerplate report dealing with parole board decisions.

Senate Bill 11 – The MDOC supports improved data collection and sharing at all levels of the criminal justice system, but would request that further discussion between MDOC, DTMB, SCAO, MSP, and the counties take place to find the most efficient means of collecting and sharing this data.

Senate Bill 13 – The MDOC would request consideration for allowing otherwise prison-bound probationers to participate in a secure program focused on job skills and cognitive programming in lieu of prison with a maximum duration of 200 days. The MDOC is currently modeling the WRAP program at the Detroit Reentry Center for this population.

Senate Bill 15 – The MDOC would request technical changes to ensure that the decision to reduce a probation term rests solely with the court and is not contingent on MDOC approval.

Senate Bill 16 – The MDOC would request that discussions continue on the creation of a statewide program intended to create a sanctioning grid for select parolees to ensure that their sanctions are consistent, swift and certain.

Senate Bill 17 – The MDOC would request that the Legislature seriously consider the House substitute version of this bill that was not acted on last session, but which represents the efforts of the sponsor and MDOC to refine this legislation.

Senate Bills 18 & 19 – The MDOC would request that the MDOC and DHHS be allowed to craft language to accomplish the goal of this legislation while streamlining information sharing between the departments and reducing the potential for litigation.

Senate Bill 22 – The MDOC would request that the Legislature not pursue age-based prisons, but instead rely on the MDOC to determine the appropriate placement for offenders within prison to ensure their safety, staff safety and the efficient provision of programs. The MDOC has previously utilized age-based prisons and the result has not proven productive. The House has proposed significant reforms to the criminal justice system aimed at young offenders and we believe this approach of trying to keep young offenders out of prison in a safe manner is more appropriate.

Senate Bill 50 – The MDOC would request that the Legislature not promote the housing of prison offenders in jails that are not designed to provide substantive programming and opportunities to offenders and which may subject the state to potential litigation.

The Michigan Department Corrections looks forward to continuing to work with the sponsors of this legislation, as well as the House, in the hopes of being able to implement effective criminal justice reforms.

Sincerely,



Kyle Kaminski, Legislative Liaison and Special Projects
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Michigan Department of Corrections